THE CIVIL JAILS ACT, 1874.

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BOMBAY ACT No. II OF 1874.[1]

[THE CIVIL JAILS ACT, 1874.][1]

[*15th January, 1875.*]

Repealed in part, by Act 9 of 1894;

" " " " Bom. 3 of 1886.

Amended by Bom. 2 of 1882.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act for the regulation of jails in the City and Presidency of Bombay and the enforcement of discipline therein.

PREAMBLE. [*Rep.* [2]*Act IX of 1894.*]

PARTS I AND II.

PRELIMINARY; CLASSES OF JAILS.

1 to 7. [*Rep.* [2]*Act IX of 1894.*]

PART III.

CIVIL JAILS.

8. [*Limitation of application of Part III.*] *Rep.* [2]*Act IX of 1894.*

Civil jail to be at seat of each District Court, and may be at other places.

9. There shall be a civil jail at the seat of the District Court for each district created under section 3 of [3]Act XIV of 1869: Provided that it shall be in the power of the [4][Provincial Government] to establish civil jails at other convenient places.

Nazir of District Court to be keeper of civil jail and to have establishment under him.

10. The nazir of the District Court or of the chief Civil Court at the place where the civil jail is located shall be *ex-officio* keeper of the civil jail, and shall be responsible for the safe custody of the prisoners and for the preservation of cleanliness and good order in the jail and among the prisoners, and shall have such establishment under him as the District Judge, with the sanction of the [4][Provincial Government], may direct.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1873 (Pt. V, p. 290; for first Report of the Select Committee, *see ibid*, 1874, p. 82; for second Report of the Select Committee, *see ibid*. p. 121, and for Proceedings in Council, *see ibid*, 1873, p. 483, and *ibid*, 1874, pp. 111, 152 and 154.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

Civil jails in the Presidency of Bombay outside the city of Bombay are administered under ss. 9 to 16 of this Act as amended by subsequent enactments, *see* the Prisons Act, 1894 (9 of 1894), s. 1 (*4*), Central Acts.

[2] Central Acts.

[3] The Bombay Civil Courts Act, 1869.

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Judge to visit civil jail.

11. The Judge or the Assistant Judge of the district in which a civil jail is situated shall visit such civil jail at least once in each month, and shall issue in writing such orders connected with the economy of the jail, the good management, health and accommodation of the prisoners, as he may think fit.

He shall record the date of his visit, and any remarks he may have to make, in a book to be kept for the purpose.

Medical officer to attend jail.

12. A medical officer to be appointed by the [1][Provincial Government] shall attend the civil jail, and shall be bound to offer such advice to the District Judge, or other officer in charge of the civil jail, as may seem expedient to him with regard to the sanitary state of the jail and of the prisoners.

Remedies administered at expense of Provincial Government.

He shall also administer remedies at the expense of the [2][Provincial Government] to the sick : Provided that nothing contained in this section shall prevent a prisoner in a civil jail from employing at his own expense any medical man he may think fit to consult.

Strangers may be admitted to civil jail.

13. The civil jail shall be opened daily for the admission of those wishing to visit prisoners from 9 a.m. till 3 p.m., and no stranger shall be allowed to remain in the civil jail beyond the above-mentioned hours except by permission of the Judge, the Assistant Judge of the district, or on the recommendation of the medical officer by the permission of the nazir in charge of the jail.

Subsistence of prisoners in civil jails.

14. (*1*) Prisoners, in the civil jail may either make their own arrangements for their subsistence, or may, within the amount of subsistence-money or batta furnished by the party at whose suit they are detained, require the nazir to furnish their food and other necessaries out of the subsistence-money fixed for them by the Court by which they are committed : Provided that excess in the use of intoxicating liquors or drugs be strictly prohibited. A tariff of prices approved by the District Judge on the first day of each month shall be kept in each civil jail and shall be accessible to all the prisoners.

(*2*) Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the nazir with such clothing and bedding as may be ordered by the Judge or Assistant Judge under the provisions of section 11 of this Act.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the nazir on demand in writing the cost of the clothing and bedding so supplied to the prisoner ; and in default of such payment the prisoner shall be released.

Disposal of corpse of prisoner dying in civil jail.

15. When a prisoner shall die in the civil jail, the nazir shall immediately report such death to the nearest Magistrate, who shall thereupon inquire into the cause of such death, and make a written report thereon to the Inspector-General of Prisons, and the corpse of such prisoner shall, after the medical officer appointed under section 12 * *[3] has certified to his death, be made over to his relatives or friends [4][if any be present and willing to take charge of it].

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the word "Government", *ibid.*

[3] The words "of this Act" were repealed by the Bombay General Clauses Act, 1888 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

[4] These words were substituted for the words "or in failure of their taking the corpse, it shall be buried, burnt or otherwise disposed of at the expense of the Civil Jail Fund, as hereinafter provided" by s. 1, Bombay Jails Amendment Act, 1882 (Bom. 2 of 1882).

[1][If no relatives or friend of a prisoner who has died in prison is present and willing to receive and dispose of his corpse, it shall be buried, burnt or otherwise disposed of.]

Disposal of subsistence money in hand on prisoner's death or release.

[2][**16.** If, at the time of a prisoner's death or release, any of the subsistence-money furnished by the party at whose suit such prisoner was detained remains unexpended, notice shall be forthwith given to the party paying the same, and the balance so remaining unexpended shall be returned to such party or his representatives: Provided that he or they claim payment thereof within three months from the date of such notice; failing which such balance shall become the property of [3][the Crown for the purposes of the Province].

Cost of disposing of corpses and other expenses connected with civil jail to be provided by Provincial Government.

The cost of disposing of the corpses of deceased prisoners under clause 2 of the last preceding section, and of procuring comforts for sick prisoners, and generally for the maintenance of the civil jail, shall be provided by [4][the Provincial Government] subject to such rules as [4][the Provincial Government] may from time to time prescribe in this behalf.]

PARTS IV TO XIV.

[CRIMINAL JAILS; SUPERINTENDENTS OF CRIMINAL JAILS, AND THEIR DUTIES; JAILORS AND THEIR DUTIES; MEDICAL OFFICER; PRISON OFFENCES; OFFENCES IN RELATION TO JAILS; VISITS TO, AND CORRESPONDENCE OF, PRISONERS; DISCHARGE OF PRISONERS; VISITORS OF JAILS; EXTRAMURAL GANGS; MISCELLANEOUS.]

17 to 52. [*Rep.* [5]*Act IX of 1894.*]

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[1] This clause was added, by s. 1, Bombay Jails Amendment Act, 1882 (Bom. 2 of 1882).

[2] Section 16 was substituted by s. 2, *ibid.*

[3] The words "the Crown for the purposes of the Province" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[5] *See* Central Acts.